

BILL NO. 78-16

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 78-16

Introduced by Councilmen Shumate and Cooper and Spry

Legislative Day No. 78-4 Date: February 7, 1978

AN ACT to repeal Subsections 24-12(e), (g), and (h), to Section 24-12, heading, Connection Charges, of Article 1, heading, General, of Chapter 24, heading, Water and Sewer, and to re-enact Subsection 24-12 (h), with amendments, as Subsection 24-12(e), and to add new Subsection (f) to Section 24-12, and to enact new Section 24-12.1, heading, Public Works Agreements, Allocations, Payment of Connection Fees, to Article 1, heading, General, to Chapter 24, heading, Water and Sewer, of the Harford County Code; to provide for the making of public works agreements, interpretation of public works agreements, due dates, and payment times of connection or capital charges; and to provide for the allocation and use of service and payment of fees by persons having existing public works agreements.

By the Council, February 7, 1978

Introduced, read first time, ordered posted and public hearing scheduled
on: March 14, 1978

at: 7:00 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place
of hearing and Title of Bill having been published according to the
Charter, a public hearing was held on March 14, 1978
and concluded on March 14, 1978.

Angela Markowski, Secretary

BILL NO. 78-16

1 Section 1. *Be It Enacted By The County Council of Harford*
2 *County, Maryland*, that Subsections 24-12(e), (g), and (h)
3 are hereby repealed and that Subsection 24-12(h) is hereby
4 re-enacted, with amendments as Subsection 24-12(e) and that
5 new Subsection 24-12(f) and new Section 24-12.1, heading,
6 Public Works Agreements, Allocations, Payment of Connection
7 Fees, be, and they are hereby added to Article 1, heading,
8 General, to Chapter 24, heading, Water and Sewer, to the
9 Harford County Code, all to read as follows:

10 CHAPTER 24. WATER AND SEWER.

11 ARTICLE 1. GENERAL.

12 Section 24-12. Connection Charges.

13 (e) If the use of a property is altered in such a
14 manner that service must be increased or enlarged, the
15 County shall then require an additional connection and other
16 charges for such increased or enlarged portion of service;
17 said additional charges to be at the rate or in the amount
18 in effect at the time the additional or enlarged service is
19 provided.

20 (f) Except as may otherwise be required by law,
21 all connections or capital charges and special assessments
22 shall be due and owing in the amount set by law at the time
23 of connection to the system.

24 Section 24-12.1. Public Works Agreements, Allocations,
25 Payment of Connection Fees.

26 (a) Legislative Purpose and Intent.

27 (1) The Harford County Water and Sewer
28 System as inherited from the Metropolitan Commission did not
29 have devised a system of collection of monies sufficient to
30 defray the debt for capital expenditures as it existed at
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1 that time. There were also outstanding public works agreements
2 previously entered into by the Metropolitan Commission and
3 the County which are pressed upon the County as guaranteeing
4 water or sewer service at a stated set cost to the private
5 parties as their share of the expenditures of monies by the
6 County to provide that service at the time it is received or
7 made available.

8 (2) The County Council of Harford County, as
9 the governing body, is required to perform a discretionary
10 legislative function in adopting and approving a Master Plan
11 for water and sewer services in Harford County by Section
12 387C of Article 43 of the Annotated Code of Maryland. It is
13 the opinion of the County Council that to generally interpret
14 a public works agreement to state: (1) that water or sewer
15 services must be provided; or (2) that water or sewer services
16 must be provided at a cost stated in an agreement previously
17 entered into, is an abrogation of the discretionary legislative
18 functions, powers, and duties of the governing body of a
19 County in the State of Maryland.

20 (b) The County may enter into an agreement with a
21 property owner regarding service and connections to the
22 County's water supply, sewerage or drainage systems. However,
23 no agreement shall guarantee, nor be interpreted to guarantee,
24 the providing of any capacity, service, connections or
25 facilities beyond that which the County, at any given point
26 in time, has available and unobligated or constructed and
27 operational.

28 (c) If on the effective date of this Act, a
29 person has an existing public works agreement with the
30 County, allocations of service connections or other alleged
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1 obligation of service from the County, that person upon
2 notification that water supply, sewerage or drainage service
3 is available, shall pay the required charges and shall make
4 the requisite connections in accordance with the rates and
5 laws in existence at the time of connection.

6 (d) If at the time of connection, the amounts to
7 be charged are different than any amounts previously paid as
8 an area connection or other charge, regardless of any
9 prepayment, the amount of the area connection or other
10 charge in effect at the time of connection shall be the
11 amount chargeable at that time.

12 (e) Public works agreements for developer/contractor
13 initiated projects that are to be funded by the developer/
14 contractor may be entered into pursuant to the provisions of
15 Section 24-6(d).

16 Section 2. *And Be It Further Enacted*, that if any provision
17 or provisions of this Act, or the particular application
18 thereof, shall be held to be invalid, the remaining provisions
19 and their application shall not be affected thereby. Should
20 any provision hereof be inconsistent with any rule, regulation
21 or policy of any other agency having jurisdiction, such
22 provision shall be invalid, but the remaining provisions and
23 their application shall not be affected thereby.

24 Section 3. *And Be It Further Enacted*, that this Act shall
25 take effect sixty (60) calendar days from the date it becomes
26 law.

27 EFFECTIVE:

28 The Secretary of the Council does hereby
29 certify that fifteen (15) copies of this bill
30 are immediately available for distribution to
the public and the press.

31 Angela Markowski
32 Secretary

BY THE COUNCIL

Read the third time.

Passed LSD 78-11 (April 4, 1978) ~~(with amendments)~~

Failed of Passage _____

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this Fifth day of April, 1978
at Three o'clock P.M.

Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

County Executive

Date _____

In accordance with Section 311 of the Charter of Harford County,
Maryland, Bill No. 78-16 is hereby vetoed in toto this twenty-
sixth day of April 1978.

Charles B. Anderson
Charles B. Anderson
County Executive

BY THE COUNCIL

This Bill having been disapproved by the Executive and having
failed of passage upon consideration by the Council, stands failed on
May 2, 1978.

Angela Markowski
Secretary of the Council

ENROLLMENT OF BILL

HARFORD COUNTY BILL NO. 78-16

(Brief Title) Water and Sewer Public Works Agreements

is herewith submitted to the County Council of
Harford County for enrollment as being the text
as finally passed.

Passed by the Council LSD 78-11 (April 4, 1978)

CERTIFIED TRUE AND CORRECT

April 11, 1978

Date

Angela Markowski

Secretary of the Council

ENROLLED

April 11, 1978

Date

[Signature]

President of the Council

Approved by County Executive [Returned April 6, 1978, vetoed in toto;
Reconsidered in LSD 78-14 (May 2, 1978)
at which time the veto was sustained]

EFFECTIVE DATE OF LAW _____